

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES MCCREARY,

Plaintiff,

Case No. 5:06-cv-114

v.

Hon. Gordon J. Quist

(UNKNOWN) ACKERMAN, *et al.*,

Defendants.

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ORDER AND JUDGMENT
APPROVING REPORT AND RECOMMENDATION

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed September 12, 2006, is approved and adopted as the opinion of the court.

IT IS FURTHER ORDERED that plaintiff's complaint is **DISMISSED** for the reasons stated in the Report and Recommendation and this dismissal will count as a strike for purposes of 28 U.S.C. § 1915(g).

IT IS FURTHER ORDERED that upon review of Plaintiff's claims, this Court can discern no good-faith basis for an appeal and so certifies in accordance with *McGore v. Wigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997).

Dated: December 8, 2006

s/Gordon J. Quist

Gordon J. Quist
United States District Judge